

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et. al,

Index No. 11 Civ. 5845 (LTS)(JCF)

Plaintiffs,

**DECLARATION OF
RONALD EDWARDS**

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTIONS,

Defendants.

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RONALD EDWARDS declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that
the following is true and correct:

1. I am the Deputy Commissioner of Administration with the New York City Department of Correction (“DOC”). I joined DOC in September 2022.

2. Prior to being appointed my current position, I worked for more than 20 years as a correction officer, supervisor and Director of Corrections in Hudson County, New Jersey. I have been an auditor for the American Correctional Association for the past three years.

A. Maximizing Deployment of Staff

3. When I began at DOC, scheduling was done by the facilities using a paper-based system. That has all changed. We have now implemented a more efficient system: my office

manages scheduling using an electronic scheduling system. As a result, we have the ability to see unstaffed posts and to redeploy officers as needed. (My team includes 13 members of service as well as a staffing Roster Manager, together comprising the Scheduling Management and Redeployment (“SMART”) team.) The new system was launched in RNDC in January 2023 and is now operable in all facilities. If an officer requires three hours for a personal emergency, my staff is electronically notified and can take steps to ensure prompt coverage away from post.

4. We have also married our electronic scheduling system to the attendance scanning system at each facility’s entrance. We can now look at a screen and know that an officer scheduled to work a 6:00 a.m. to 2:30 p.m. tour scanned into the facility at 5:45 a.m. and left it shortly before 3:00 p.m., and know where he worked. Our new technology allows DOC to better optimize staffing, control overtime, and ensure that proper coverage is maintained.

5. In May 2022, there was an average of 31 unstaffed priority posts (posts in housing units, clinics, and other essential locations) each day. There are now none.

B. Tour Scheduling

6. DOC currently maintains two touring schedules: i) a 4x2 work schedule in which members of service work four consecutive days and are then off two consecutive days before returning to work and ii) a 5x2 work schedule in which members of service work five consecutive days and are off two consecutive days each week. Under the Court’s order, DOC is required to minimize the use of the 4x2 schedule.

7. As the Monitor has observed, a strict 5x2 schedule results in officers working 261 days a year, whereas a 4x2 schedule results in 245 workdays.¹ This suggests that switching more officers to a 5x2 schedule (and away from a 4x2 schedule) would increase coverage in the jails. But the matter is more complicated. Under the current union contract, officers assigned to a 5x2 schedule are given 16 additional compensatory days each year and two additional vacation days, bringing their total workdays to 243 (261 – 16 – 2). This 5x2 schedule has traditionally also included a weekend day off for members of service, Friday-Saturday, Saturday-Sunday, or Sunday Monday. Those working a 4x2 schedule do not regularly have a scheduled weekend day off giving the Department flexibility in scheduling that allows for increased coverage on the weekends.

C. Awarded Posts

8. Awarded posts are positions permanently assigned to an officer typically on the basis of seniority, and, in many jails systems, after bidding. The Monitor has favored, and the Court has ordered, DOC to reduce the number of awarded posts, but the benefits in doing so are questionable. As Commissioner Maginley-Liddie observes in her Declaration, awarded posts promote consistency and allow the assigned officer to anticipate problems before they arise. The Commissioner is discussing the issue with the Monitor in the hope of finding common ground.

9. In the meantime, I have regularly redeployed officers from awarded posts to priority posts when needs arise. (These officers are “shift reduced” to use correctional lexicon.) Moreover, since May of 2023 the total number of awarded posts has decreased by 30%.

¹ A 4x2 schedule results in some weeks in which an officer has three days off in a week. A 5x2 schedule does not have that feature; it calls for two days off each week. That explains the difference in total workdays.

D. Increased Presence of Supervisors

10. The Action Plan requires DOC to enhance supervision in the housing units by increasing the presence of supervisors.

11. To achieve that goal, I have redeployed Deputy Wardens (“DWs”) who had 5x2 schedules with weekends off, so they now work at least one weekend day each week. In addition, DW schedules are now staggered to increase evening coverage. Violence occurs most often later in the day and on weekends, so that increased supervision at those times is important. The Monitor has called this approach “consistent with sound correctional practice.” Monitor’s Report July 10, 2023.

12. I have also redeployed Assistant Deputy Wardens (“ADWs”) to ensure an equal number of ADWs on morning and evening tours.

13. In the Monitoring Team’s July 10, 2023 Report, it refers to these changes in ADW and DW scheduling as “tangible steps toward improved staff supervision.”

14. Since the Action Plan went into effect in June 2022, the Department has increased the number of ADWs from 67 to 91. Since March 15, 2023, the Department has promoted 24 officers to Captain (the first promotions in five years), and 50 more officers are slated to be promoted this spring. In addition, since June 2022, 44 Captains previously on temporary duty status (“TDY”) in non-facility assignments have been redeployed to posts in the jails.

E. Tour Commanders

15. Each shift has a Tour Commander, typically an ADW, who oversees the facility’s operations during the tour. When I started, Tour Commanders had offices removed from the center

of the jail. That has also changed. The Tour Commander is now stationed in the Central Control Room, the hub of the jail. The change allows Tour Commanders to better monitor housing units and respond more quickly to alarms. It puts them at the center of the action.


F. Civilization

16. Civilization has been slow but is underway. In late February, a hiring event was conducted for civilian investigative positions in several Divisions. (The civilians would replace uniformed staff in those positions allowing them to be reassigned to other commands.) Two hundred and fifty applicants appeared for interviews, and a second round of interviews have been scheduled for mid-March for 65 candidates. The posts in other Divisions have been identified, and civil service hiring pools are being scheduled.

17. In sum, since September 2022 when I joined DOC, we have made significant strides in employing our uniformed staff to manage our jails more efficiently.

Dated: New York, New York

14 March 2024


RONALD EDWARDS